

# Electronic Alert

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## **Just In: Oregon OSHA Releases Permanent Rule Addressing COVID-19 in All Oregon Workplaces**

By Natalie Pattison & Amy Angel

Today, Oregon Occupational Safety and Health Administration (OSHA) released its long-awaited permanent rule “Addressing the COVID-19 Public Health Emergency in All Oregon Workplaces.”

In January 2021, Oregon OSHA proposed a permanent COVID-19 rule to replace the temporary rule, which expires today. The permanent rule is limited to addressing COVID-19 and will be repealed when it is no longer necessary for that purpose. To that end, Oregon OSHA will engage with the relevant agencies and advisory committees every two months to discuss whether all or part of the rule should be repealed.

The permanent rule largely tracks Oregon OSHA’s temporary rule that went into effect on November 16, 2020. The permanent rule includes the same general requirements related to sanitation, face coverings and physical distancing, but does strongly discourage the use of face shields. Notably, employers that completed the risk assessment, infection control plan, and infection control training under the temporary rule do not need to revise or repeat those requirements under the permanent rule. (Employers who have not completed these items should do so as soon as possible.)

There are a few important differences in the permanent rule that all Oregon employers should note. Specifically, the permanent rule:

1. Encourages employers to consider alternatives to transporting multiple persons, but does not require employers to use multiple vehicles to transport multiple employees;
2. Slightly modifies the ventilation rules to include a requirement that all employers check the ventilation system at least quarterly and includes a requirement that employers with more than 10 employees attest that they are running their ventilation system in accordance with the rule;
3. Clarifies that recordkeeping provisions may apply when written COVID-19 exposure records are created;
4. Requires written notification of return-to-work rights when employees must quarantine (note that the rights are the same, but the written notification is new);
5. Requires certain exceptional risk employers to have a written PPE supply and crisis management plan; and
6. Requires health care employers to provide respirators to employees working with known or suspected COVID-19 positive patients unless such respirators are unavailable.

Oregon OSHA rules currently do not distinguish between vaccinated and unvaccinated employees. Accordingly, employers should not differentiate between vaccinated and unvaccinated employees with

respect to following Oregon OSHA workplace rules, such as requirements for masks and physical distancing.

The final rule related to respiratory protection for direct patient care has a delayed effective date of May 17, 2021. The rule has a delayed effective date of June 6, 2021, for ventilation, transportation, employee notification, and the PPE supply and crisis management plan requirements.

Employers should ensure that their workplaces are in compliance with the rules and reach out to counsel with any questions or concerns regarding Oregon OSHA's new rule.

*For questions about OSHA's permanent COVID-19 rule, contact Natalie Pattison or Amy Angel at 503-228-0500, or at [npattison@barran.com](mailto:npattison@barran.com) or [aangel@barran.com](mailto:aangel@barran.com).*

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